

**Amendments to the Drawings:**

The attachment to this paper presents one replacement sheet of drawings in which Fig. 5 is amended to include the reference numerals 26 a-f and the corresponding lead lines.

Attachment: One replacement sheet

**Remarks/Arguments:**

By this amendment the specification and drawings are amended in response to the office action of July 15, 2009. Claims 1 – 27 are before the examiner. Further examination of the application, as amended, and reconsideration of the objections and rejections are respectfully requested.

The specification has been amended as suggested in the office action to add and/or correct the omitted headings.

The drawings have been amended to label parts 26 a-f in Fig. 5 as suggested in the office action.

Claims 15-16, 18-19 and 22-27 were rejected under 35 U.S.C. 102(b) as being anticipated by Wardley, US2002018963. The rejection is respectfully traversed.

The present invention is directed to a tubing shoe for use 'after boring or drilling', see the specification at page 1, lines 7 – 16 (paragraph [0002] in the corresponding publication US20080236813). In contrast Wardley describes a 'drill bit used for drilling with casing', see paragraph [0011]. These two are not the same: a drill bit is used to drill through earth or rock by cutting, whereas a tubing shoe is used to enter an already drilled borehole and merely ream out bridges which may be left after drilling is complete. They are recognized as two entirely different fields of invention by the Office as drill bits are classified under 175/21 and tubing shoes are classified under 166/242.8. It is respectfully submitted that

Wardley does not disclose a tubing shoe as required in each of claims 15-16, 18-19 and 22-27.

Further, Wardley does not disclose 'blades' as required in each of claims 15-16, 18-19 and 22-27. Such blades are described as 'The blades 70 are made from a relatively soft material such as aluminium or a non-metal. The apex 74 pilots the shoe through a drilled well bore to aid in breaking through shale/clay bridges and other obstructions' (see paragraph [0041]). Wardley does not disclose or suggest such blades – the drill bit of Wardley has 'cutting members 4 [which] are substantially coated by a relatively hard material 6 typically being a hard material such as tungsten carbide or a superhard material such as diamond composite or cubic boron nitride.' (see paragraph [0043]). This hard material is 'suitable for cutting earth or rock' (see paragraph [0011]) as is required of a drill bit. Thus the blades of the present invention are not anticipated by the cutting members 4 of Wardley.

Claims 1-5, 7-14, 17 and 19-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Wardley, in view of Mabry, US 6808019. This rejection is respectfully traversed.

Claims 1-5, 7-14, 17 and 19-21 are directed to a tubing shoe as discussed above. The skilled man wishing to provide a tubing shoe which can be rotated and reciprocated without the problems experienced by the tubing shoes of the prior art, which is the principal advantage of the invention as stated at page 14, lines 27-31

(paragraph [0042]), would not look to Wardley for guidance as this relates to a drill bit used to cut through rock and formations and not guide a casing string into an already drilled well bore. Mabry fails to remedy the deficiencies of Wardley as it too does not relate to tubing shoes, but to a sucker rod used to lift fluids in an already cased well bore.

Claim 6 was rejected under 35 U.S.C. 103(a) as being unpatentable over Wardley, in view of Mabry as applied to claim 1, and further in view of Herrera, US20030106. This rejection is respectfully traversed.

Dependent Claim 6 is allowable over Wardley, in view of Mabry, at least for the reasons set forth above with respect to claims 1-5, 7-14, 17 and 19-21. Further, Herrera is merely cited as allegedly teaching that casing shoes may have an eccentric or offset nose, and thus fails to overcome the deficiencies of Wardley in combination with Mabry. Accordingly, it is respectfully submitted that claim 6 is allowable over the combination of the three citations, and thus the rejection should be withdrawn.

If the Examiner has any questions or comments regarding this communication, the undersigned can be contacted to expedite the resolution of this application. Further examination of the application and the allowance thereof are respectfully requested.

Respectfully submitted,

/Daniel N. Lundeen/  
Daniel N. Lundeen  
Reg. No. 31,177  
Lundeen & Lundeen, PLLC  
PO Box 131144  
Houston, Texas 77219-1144  
(713) 652-2555  
(713) 652-2556 Fax  
AGENTS FOR APPLICANT